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Parliamentary Human Rights Group

SRI LANKA - A NATION DIVIDING

REPORT OF A VISIT TO
SRI LANKA ON BEHALF
OF THE PARLIAMENTARY HUMAN
RIGHTS GROUP

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"The fundamental rights of the people are guaranteed in unambiguous terms....These fundamental rights include the freedom of thought, conscience and religion, freedom from torture, right to equality without discrimination on the grounds of race, religion, language, caste, sex, political opinion or place of birth, freedom from arbitrary arrest, detention and punishment, right to be heard at a fair trial by a competent court, prohibition of retroactive penal legislation and freedom of speech, assembly, association, occupation, movement, etc."

(Extract from "Facts About Sri Lanka" published by the Department of Information of the Government of the Democratic Socialist Republic of Sri Lanka, 1981).

INTRODUCTION

We visited Sri Lanka for two weeks in February 1985 at the request of the Parliamentary Human Rights Group to examine the human rights implications of the recent communal disturbances in that country.

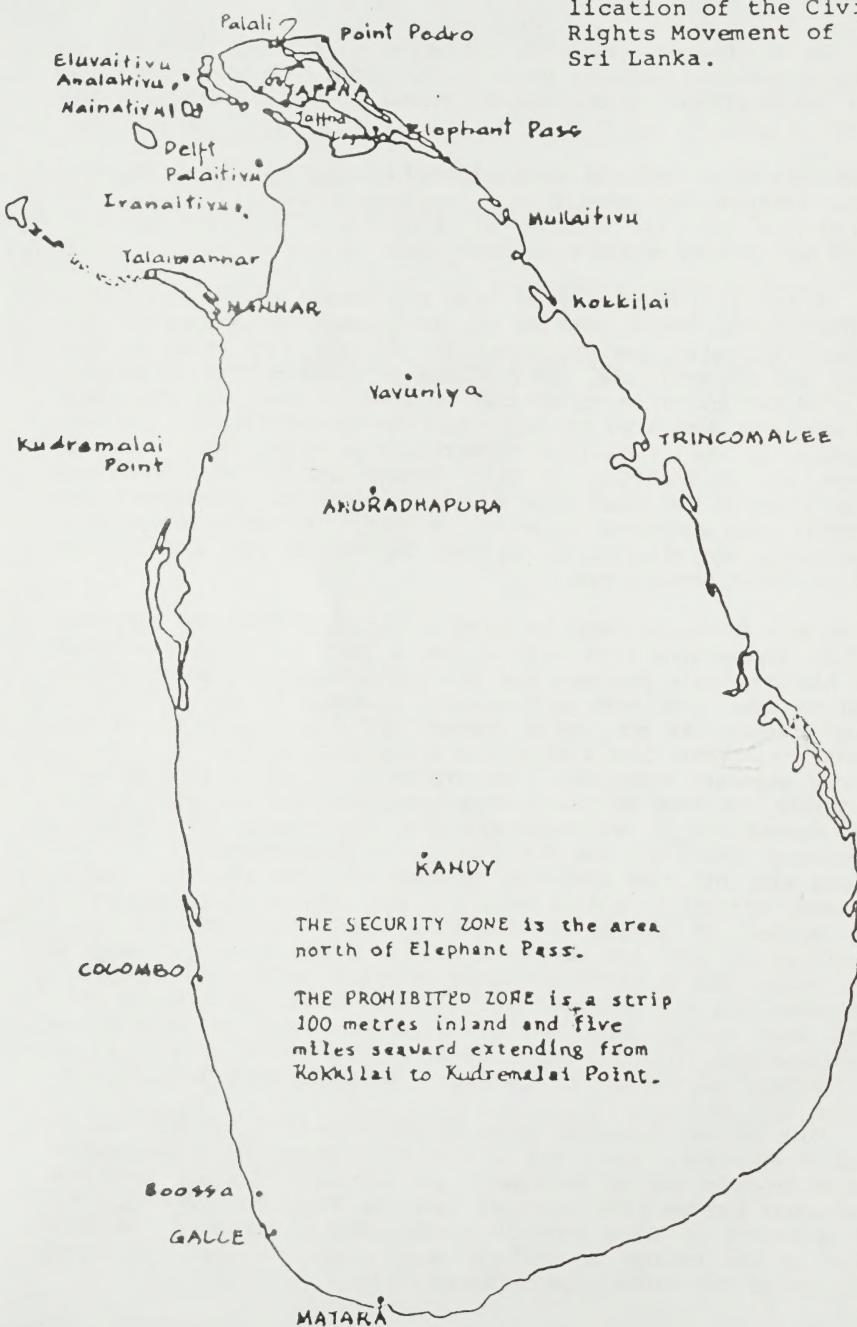
Neither of us had been to Sri Lanka before. We had no previous special interest or constituency involvement with Sri Lanka and embarked upon the task assigned to us devoid of any predisposition towards any section of the community.

Whilst in the country we were the guests of the Sri Lanka government. We would like to put on record our thanks for the generous hospitality and the unfailing courtesy with which we were treated and the help that was provided in ensuring that we saw all that we wished and met everyone that we asked to see. The government could not have done more to help us in our investigation. The only limitation on our activities (admittedly a major one) which we suffered was an inability to visit Mannar and Jaffna. Roads and railway lines to the north were said to be mined and helicopters have apparently been subjected to rocket attacks. We had no alternative but to accept the official ruling that the dangers were such that we could not visit these areas.

We were most graciously received by His Excellency the President Mr. J.R. Jayawardene with whom we had a long and frank discussion about his country's problems and who facilitated several visits we wished to make. We were particularly grateful to the Minister of Foreign Affairs, the Hon. A.C.S. Hameed, MP, who, despite having just returned to Colombo from a strenuous overseas trip, saw us at length on three separate occasions. We express our thanks to his staff responsible for many of the arrangements made for us, particularly Mr. N. Navaratnarajah and Ambassador D.S. Dissanayake. The Minister of National Security, the Hon. Lalith W. Athulathmudali, MP, was generous with his time and with information. We also saw several government officials, police officers and army officers and met a large number of people representing the Sinhalese and Tamil communities in both the north and south of the island as well as Moors, Malays and Burghers including both Sri Lankan and expatriate businessmen and clergymen of the various Christian denominations. Indeed, once our presence in Colombo became known we were almost overwhelmed with messages from individuals and groups wishing to see us and we are sorry that time did not allow us to meet them all.

Much of our time was spent in Colombo where we were allowed access to Welikada Prison, but we also visited the Sinhalese refugee camps at Negombo and at Ratanamali and Bastians Pilgrims Rest near Anuradhapura and the Army Detention Camp for Tamil detainees from the north situated at Boosa some 70 miles south of Colombo. We also visited a tea estate at Hantane near Kandy to see the living conditions of the Indian Tamil workers there.

This map and the accompanying description of the Security Zone and the Prohibited Zone are reproduced from a publication of the Civil Rights Movement of Sri Lanka.



SRI LANKA

Area (sq. km.) 65,610

Population: 15,416,000

of which Sinhalese 74.0%

Ceylon Tamil 12.6%

Indian Tamil 5.6%

Moslem 7.1%

Religion: Buddhist 69.3%

Hindu 15.5%

Christian 7.5%

Moslem 7.5%

Head of State: President J.R. Jayawardene.

Prime Minister: Ranasinghe Premadasa.

Parliament: 168 members elected for 6 years in August 1977, their term extended for a further six years by referendum in December 1982.

External debt: December 1982, Rs 34,726 m = US\$1,378 m.

Principal crops: Rice, coconuts, cassava, copra, tea, rubber.

Live births (1982): 407,164

Deaths (1982): 92,931

GNP (1982): £2,662 m.

GNP per head (1982): £175

POPULATION IN NORTH AND EAST - 1981 CENSUS

<u>Northern Province</u>	Sri Lanka	Sinhalese	Muslims	Indian	Others
	Tamils			Tamils	
Jaffna District	95.32%	.056%	1.66%	2.31%	.06%
Mannar District	50.59	8.14	26.62	13.16	.49
Vavuniya District	56.87	16.55	6.92	19.39	.26
Mullailivu District	75.99	5.29	4.87	13.89	.15

Eastern Province

Trincomalee District	33.78%	33.62%	28.97%	2.64%	.99%
Batticaloa District	70.82	3.22	23.97	1.17	.82
Ambarai District	20.14	37.65	41.53	.36	.32

NOTE

- 1) The Muslim people in these provinces are all Tamil speaking.
- 2) The Tamils form a substantial majority in the Northern province and the Tamils taken together with the Tamil speaking Muslims form a substantial majority in the Eastern province.
- 3) The Indian Tamil presence in the Mannar, Vavuniya, and Mullailivu districts should also be taken into account.

B A C K G R O U N D

There are a number of books and academic papers published detailing the history of Sri Lanka and the chain of events which has led to the present situation. It would be superfluous for us to seek to add to them. We confine ourselves to explaining, for the benefit of those unfamiliar with Sri Lanka, that of its approximately 15 million people 74% are Sinhalese, 18% Tamils (of the latter approximately 12% are "Sri Lankan Tamils", 6% "Indian Tamils"), and 6% Muslims. The Sinhalese and the Sri Lankan Tamils originally colonised the island many centuries ago from mainland India but whereas the Sinhalese are nearly all Buddhist in religion and culture the Tamils are mainly Hindu with a sizeable Christian component. The Sinhalese speak the Sinhala language. The Tamils and the substantial majority of the Muslims speak the Tamil language.

Members of all ethnic groups are to be found throughout Sri Lanka, and in most parts, not surprisingly, the Sinhalese are very much in the majority. However, in the northern and eastern provinces, the Tamils constitute a substantial majority with sizable pockets of Sinhalese living in those areas. The "Indian Tamils," (as distinct from "Sri Lankan Tamils"), whose forebears came to work on the tea estates in the centre of the island a century ago, still mainly live in these parts and have little in common politically with their longer established ethnic kin. However, a significant number of the Indian Tamils displaced during communal violence have moved to settle in the northern province.

For many years the Sinhalese community felt that the Tamils were unduly favoured, in particular in educational provision and in obtaining jobs in government and commerce. After independence the majority Sinhalese, regardless of party political persuasion, implemented a series of measures, most notably the replacement of English as the official language by Sinhalese, which in their view sought to remedy injustices in society but which the Tamil community saw as part of a plan to diminish their rights and their status. From time to time since 1956 there have been communal disturbances, notably in July and August 1983, when in Colombo and elsewhere Tamils were set upon and killed and had their houses and businesses destroyed and looted. Thousands of Tamils fled to the north and east for safety. Allegations that the rioting was connived at if not provoked by government supporters have been vigorously denied and we were told that following the incidents some 6,000 Sinhalese were arrested, 2,000 charged and "a number" were said to be serving prison sentences. We asked for, but did not obtain this figure. There has been no repetition of the communal violence since and, in places like Colombo and Kandy, Tamils play their part in the community, in the professions and in commerce and industry. We heard several accounts of how during the disturbances Sinhalese people risked their own lives to protect Tamil friends from attack - and mixed marriages are by no means uncommon. But not surprisingly, there is an underlying nervousness amongst the Tamils in areas where they are in a minority.

Meanwhile, faced with what they believed to be discrimination against them, the northern Tamils (represented politically by the Tamil United Liberation Front - TULF), to begin with, campaigned for a federal structure with autonomy for the Tamil areas of the north and east. This was strongly resisted by the Sinhala political parties. All peaceful attempts by the Tamils, within and outside parliament, to solve what they perceived as their grievances by negotiation with successive governments ended in failure, giving rise during the past ten years to the demand for a separate state of 'Eelam' in the north and east of the country, or at least a very high degree of autonomy. The absence of progress in this direction and the continued failure on the part of the Tamil parliamentary leadership to obtain redress for Tamil grievances from successive governments led to the emergence of extremist groups known as "Tigers" which are mainly youth-oriented. They have adopted the sort of terrorist tactics familiar elsewhere and their attacks have become more frequent and more effective since the middle of last year. To deal with this situation, the Government has a police force quite unaccustomed to dealing with terrorists (the insurgency of 1971 was short-lived and in other ways, too, not comparable), and a largely Sinhalese army with little military tradition or fighting experience, having been formed for ceremonial purposes since independence and admitted to be ill-disciplined.

HUMAN RIGHTS

There are many examples, including within our own shores, which demonstrate that when a minority harbours real or imagined grievances with no apparent prospect of them being redressed by political means, some of that minority will turn to violence to achieve their ends. The state is bound to react and possibly overreact both in seeking to apprehend offenders and to deter political terrorists. In such circumstances some violations of human rights will take place on both sides either by design or accident. This is certainly the case in Sri Lanka today.

Atrocities by the Terrorists

There have been a number of incidents where trains and lorries carrying soldiers have been mined and a police station was blown up killing all occupants. The more recent incidents reported include one near Mannar on 4 December when a vehicle was mined killing a soldier and injuring six others; one at Sinhapura on 19 December when two officers on patrol were killed by a mine and several injured; and the blasting of a train near Murungandy on 19 January which led to 29 deaths and 25 injuries. We cannot vouch for the accuracy of these reports but the terrorists might well claim that in each case there was a "legitimate" target. It would be more difficult to sustain such a claim in respect of the shooting in cold blood of an elderly man in Mullaitivu on suspicion that he was an army informer or of the massacres at Dollar and Kent farms and the fishing villages of Kokkilai and Nayaru.

The Dollar and Kent farms had been settled in 1977 by Indian Tamil estate workers who fled from the communal violence in the plantations in that year. In 1984, the army cleared these settlements and the government resettled Sinhalese people there, mainly ex-prisoners. It is alleged that, unused to agriculture, they terrorised the neighbouring Tamil villagers. Kokkilai and Nayaru are two fishing villages situated in the predominantly Tamil district of Mullaitivu. Lately they were settled by migrant Sinhalese fishermen. In November and December last year, Dollar and Kent farms and the fishing settlements of Kokkilai and Nayaru were attacked by the terrorists. 60 people were killed at Dollar and Kent and 14 in the fishing villages. These incidents were recorded on film and photograph and we spoke to eye witnesses. It may be true that the victims in Dollar and Kent had been settled by the authorities in traditional Tamil areas but the murder in cold blood of civilians cannot be justified.

Atrocities by the Army

There is a considerable body of evidence that the army kills innocent civilians. An ill-disciplined Sinhalese army unit finding one of its own lorries and some of its own number literally blown to bits tends to assume that the inhabitants of the nearby village are responsible and takes revenge into its own hands. We were told that after the 4 December incident at Mannar mentioned above, men working at the local post office were lined up by the army and shot, and two buses passing nearby were stopped, the passengers made to alight and 37 of them including a Sinhala conductor and a Muslim driver, shot dead. Other indiscriminate killings of civilians in the neighbourhood are also reported and the total deaths are estimated at over a hundred. On an earlier occasion, in August 1984, many homes, shops and industrial properties were burned and looted.

At Vankalai on 6 January 1985 witnesses claim that Fr. Mary Bastian was shot dead by the Army in his own church premises and his body has not been recovered. In February, the Ceylon Workers Congress reported that over a hundred civilians had been killed by security forces in Mullaitivu.

Such incidents appear to be commonplace and loss of life and property extensive. They are often not disputed by the authorities who, at least in the case of the Mannar incident in August 1984, have effectively admitted responsibility by agreeing to pay compensation. However, the Army can quote a number of incidents when over-reaction might have been expected but did not occur. They also say that although lack of witnesses often makes courts martial impractical, collective punishments have been imposed when ill-disciplined over-reaction appears to have taken place. We were provided with details of three such incidents resulting in 177 soldiers and six officers being summarily discharged.

Whatever is the truth about the atrocities supposed to have been committed by both sides in the north and the east, there can be no doubt that there are many people living in Sri Lanka today who fear the police, security forces, and the government. It was the case, for example, that some of these who wished to speak to us would not come to our hotel. Others expressed great apprehension at any suggestion that the government might be informed that they had talked to us. It was not just that they were afraid that a consequence would be a visit from the police and interrogation and arrest - though one extremely respected and sensible person demonstrated physical anxiety at such a prospect - as that they anticipated that some hooligans, acting spontaneously or under instructions, would attack them or their homes.

We do not, of course, have any way of assessing the substance of these fears. We can only say that they were real. Moreover, they were displayed by people who were Tamils, Sinhalese, Buddhist and Christians, who were professionals and respected members of the community, and amongst whom were many who had given and were still giving distinguished service to the Sri Lankan state in senior public

positions. That such people - educated and experienced as they undoubtedly were - could manifest such fear is itself a great cause of concern. In the case of the Tamils, the fact that many of their houses were attacked during the communal riots in August 1983, and that they had obviously been specially targeted, lends substance to their anxiety. Moreover, we met many Tamils in Colombo who had sent their young children away from Sri Lanka for safety.

Restrictions in the North

The Sri Lankan authorities are convinced that trained terrorists and equipment and weapons for the Tigers from camps in the Indian state of Tamil Nadu are constantly crossing the narrow straits between India and the north of the island.

They have, therefore, declared a Prohibited Zone extending from Kokkilai on the northeast coast, round the top of the island and down to Kudremalai Point on the northwest coast, a distance of over 200 miles. Within a strip of land 100 metres wide, and extending seaward for five miles, no person may be present without a permit. This has already meant the forced evacuation of a large number of people - some reports put the figure at around 80,000 - and complete dislocation of the fishing industry, on which the coastal people largely depend. The Prohibited Zone includes thickly populated areas and its complete implementation would cause unimaginable hardship and disruption to the life of the community.

There is also a "Security Zone", comprising the whole of the Jaffna peninsula, and some areas outside it, which no person may enter or leave without permission. Curfews are imposed within the zone; every vehicle and bicycle must have a permit, and people can be stopped and arrested at any time. We were not able to visit the affected areas but first-hand accounts related to us left us in no doubt as to the hardship experienced by people living under these conditions. This is added to by an acute shortage of foodstuffs, drugs, and other supplies caused by the disruption of road and rail services. We took this up with ministers and were assured that supplies are now being sent to the north by sea. A claim that hospitals in the north are short of drugs was not denied but it is said that this is common to hospitals throughout the island.

Refugees

Some idea of the scale of the disruption of ordinary life in the north and east is indicated by official government figures of the number of refugees that we were able to obtain. These show that some 48,256 persons from 12,062 families are refugees in Mannar. The majority of these, the Government says some 48,000 individuals, are Tamil fishermen "displaced due to surveillance zone". Again, there were 60,305 Tamil refugees in Jaffna "displaced due to surveillance zone". An indication of the kind of accommodation these people inhabit is shown by the census of the further 7,997 refugees, both Tamil and Muslim, displaced in Mullaitivu. They are living in churches,

schools, garages, and temples. These are the lucky ones. Those in Mannar and Jaffna are not in Welfare Centres but rather are left to fend for themselves.

Obviously normal life, eye witnesses kept telling us, has come to a halt in the north and the east. Indeed, we were told that there were no longer any young men available to arrange Tamil funerals. They had been killed, arrested or had fled to India. Certainly there can be little schooling taking place when so many of the buildings are being used to house people. Witnesses also confirmed allegations made to us that whole villages have been emptied and neighbourhoods have been driven by the army from their homes and occupations and turned into refugees dependent on the government for dry rations.

We met a number of people who spoke of relatives having fled to India and a representative of the Indian Government confirmed that refugees were crossing the Palk Strait at the rate of many hundreds per day.

The human rights transgressed in such a course of action do not need to be detailed here. We cannot believe it is necessary. More important is that rightly or wrongly it tends to lend credibility to the view so frequently put to us that it is the Government's objective either to drive the Tamils out of the north and east in sufficient numbers as to reduce their majority in the north and in the east, a process that would be aided by the Government's announced policy of settling armed Sinhalese people in former Tamil areas - as was done with such terrible and destructive consequences in the Dollar and Kent farms; or to drive the Tamils out altogether.

We cannot make a judgement on this issue. We can say, without doubt, that the Government is driving Tamils from their homes and does intend to settle Sinhalese people in these areas. Indeed, it has already done so in the Eastern province. This, at least, lends support to the more extreme version believed by most Tamils.

But it is not just Tamils who are "refugees" in their own country. We visited three refugee camps containing Sinhalese. They had been displaced from the north. Although there are considerably fewer of them than Tamil refugees, they too have suffered a violation of their human rights. At the same time, it does seem to be taking the Government an inordinate amount of time to resettle these people.

When we were at Sinhalese camps in Anuradhapura we received complaints of lack of food, and shelter especially for the young children. We promised to bring these complaints to the attention of the President, particularly as the country has an abundance of fresh food - as every roadside stall shows.

Moreover, the refugees, whole families, were located in huts in the grounds of Bastian's Pilgrims Rest which had several empty rooms and more than enough space to accomodate all the refugees in relative comfort. We found the contrast inexplicable and we were not given a convincing explanation for the way the refugees were living whilst

there was adequate food and shelter available. The President promised to rectify these shortcomings.

The Emergency Regulations

Of course, those who are active in any movement which is seen to be in opposition to the government have good cause to be afraid. The powers given to the police under the various Emergency Regulations are extremely wide, so wide in fact that it is possible to arrest and detain anyone for 90 days for almost any reason.

While we were in Colombo, demonstrations took place which had nothing to do with the ethnic question, but were a protest against an amendment to the Universities Act. That the President could tell us, when we remonstrated with him about the way in which the police broke up these demonstrations by university students and the arrest of political activists on unspecified charges, that he could not fight a war in the north and allow himself to be stabbed in the back in the south, and that he had no intention of allowing a 'Second Front' to be opened up, is evidence of his attitude and approach and that of the government to dissent.

We asked for and were promised figures for the number of persons detained under the Emergency Regulations, where they were detained, the reasons for their detention and the length of time that they had been held. After our return to London, the High Commission informed us that: 'Total number of persons detained at police stations for preliminary investigations on the instructions of the Deputy Inspector General of Police, 152. Those detained under Emergency Regulations, 5'.*

On our own initiative, we visited one such detainee, Vasudeva Nanayakkara, the leader of the NSSP, whom we had met in our hotel. The next evening we were told that he had been arrested for distributing leaflets during a demonstration by university students.

When we arrived at the Harbour police station in Colombo, admittedly at midnight, we were refused permission to speak to him. The refusal was not, however, on the grounds of the lateness of the hour or the inconvenience it would cause but rather because he had been arrested for "his own safety; needed a rest, and would probably require psychiatric help". All patently absurd, as the Secretary to the Ministry of Defence, General Attygala agreed the next day.

In fact, the order authorising his detention at Harbour police station, which we obtained unofficially, had omitted to specify the offence he was alleged to have committed. Nor, when challenged by us the next day, could General Attygala offer any more information - even when we gave him the document.

*Letter from Sri Lanka High Commission, March 1985.

If Vasudeva Nanayakkara, the leader of a political party and a presidential candidate, can be arrested and detained in a police station for 30 days in such circumstance, then so, presumably, can hundreds of others as is suggested by the JVP (Peoples Liberation Front). In fact, in the case of Vasudeva Nanayakkara, we have since learned that an application was made to the Supreme Court challenging his detention, and that before it could be heard he was released on bail.

Prevention of Terrorism Act (PTA)

But while we had no direct knowledge or contact with those detained under the Emergency Regulations we have a great deal of evidence about those detained as suspected terrorists under the PTA. This enables a person to be detained for up to 18 months on suspicion of engaging in an unlawful activity, without judicial review or access to a lawyer or to relatives. We do not intend to analyse the actual powers of the Act. This is already admirably done by Paul Seighart in his 'Sri Lanka: A Mounting Tragedy of Errors'.* We are concerned only with the way that we found it to be working in practice.

It was admitted to us by both the army and Ministers that every time there is a terrorist incident in the north or the east the army rounds-up all the men in the vicinity aged between 16 and 35 years. These are taken to the local police station for identification and interrogation. Some are released. The rest - and the Minister of National Security Lalith Athulathmudali acknowledged, after being pressed several times, that these amounted to well over a thousand - are taken some 200 miles South to the army camp at Boosa.

The High Commission in Britain informed us by letter that 893 people had been detained in Boosa Camp since December 1984 for suspected acts of terrorism, of whom 514 had been released and 379 were still under active investigation.

When we visited the camp, it contained 351 detainees. Several important issues arise in the context of their detention.

First, it was clear to us all that the prisoners were cowed and afraid. It was also clear that very many - if not all of them - had been ill-treated. The torture - which seemed to take the form of beating, mainly on the buttocks with plastic pipes (we saw the terrible scars that such a beating leaves), being hung by the feet over a chilli fire, having pins pushed down finger nails, and lighted cigarettes snubbed out on the body - appears to be mainly carried out by the police at the point of arrest. For fear of implicating certain honourable individuals or causing retribution to those in captivity, we do not intend to specify the source of our evidence.

*Report of the International Commission of Jurists, March 1984.

Suffice to say that we have no doubt that interrogation, wherever it takes place but especially at the time of arrest, is almost invariably accompanied by some form of ill-treatment. It appears to be the case that the more likely the person arrested was to be a terrorist, the more severe the torture.

We should also make it clear that we do not believe that the government condones this practice. Indeed, Ministers we spoke to were as horrified as we were at what we had heard and seen. But we need also to record that a senior policeman confided in us that it was routine for the police to beat up pickpockets because the prisons that they are sent to are like 'holiday camps'. If that is the case, and if it can be admitted as it was to two foreign MPs known to be investigating alleged abuses of human rights, then the reader can draw his own conclusion about the way in which suspected terrorists of the Tamil minority might be dealt with by a Sinhalese policeman or army officer in the aftermath, say, of an attack on an army or police establishment.

Again, it would seem that a large proportion of those detained are innocent. That, at any rate, was the inescapable conclusion we drew from the documented evidence that was made available to us. Relatives of the detainees are enabled to write to the Ministry of Defence asking for the case of their relatives to be reviewed. This is conducted by a three man Advisory Board that examines the police evidence against the prisoner, interviews the police and the prisoner and makes a recommendation.

We believe that the men of the Advisory Board are honourable and conscientious and that they carry out their jobs competently. Thus a majority of the cases coming before them end in a recommendation for release. The problem is that it frequently takes several months for the parents' or relatives' letter requesting a review to reach the Advisory Board via the Minister of Defence. And, once the Board has made its recommendation, it takes several more months before the Ministry of Defence acts upon it.

When presented with this information, the Minister of National Security at first discounted it. Then, on being presented with several dozen cases, the Minister pleaded that there was a shortage of clerks. We found his attitude extremely disturbing.

We accept that the government has to arrest terrorist suspects. We acknowledge the need for them to be detained and interrogated. What is inexcusable is for them to be beaten and for those known to be innocent to be held for a day longer than is necessary. For this is the norm rather than the exception. There should be no need, for example, for the 16 year old girl who was requested to report to the police station to give an account of why she was attending classes outside school on 'revolutionary' subjects like the emancipation of women and the ending of the dowry system, and who was taken to the police station by her mother, father, and brother, to be imprisoned for over three months - even though the Advisory Board acknowledged

that she was innocent of any terrorist activity and recommended her release.

Following representations from us on these cases the President authorised all those who had been recommended for release to be given their liberty within forty-eight hours. We asked for and were promised a list of all those so released to be given to us before we left the country. We still await the list, but Reuters have since reported that 200 were released from the Boosa Camp.

Most of the men detained at Boosa Army Camp had been arrested in the north by the army and after preliminary interrogation sent to the camp where further interrogation was the responsibility of the Colombo police. However, there was also a large group of men who had been arrested at Batticaloa by the police and sent to Boosa for detention to await interrogation by the Batticaloa police. When we paid our visit no police from Batticaloa had been to the camp in the three months since the men were arrested and there was no indication of when they would do so.

Apart from considerations of humanity and justice, such detention must be counter-productive. It must, surely, generate a great deal of bitterness and resentment amongst both the detainees and their families and to that extent act as a recruiting sergeant for terrorism.

Nor does it seem to us to be necessary to prevent the prisoners receiving visits from their relatives and friends. That they are some 200 very difficult miles away may mean that such visits would, in any case, be infrequent, though that is a case for locating the camp in a more accessible place. The Minister of National Security's argument that such visits would be a means of passing on information that would be of use to the terrorists was not one we were impressed by, especially as so many of the detainees were obviously innocent of terrorism. He did, however, agree to our suggestion that welfare officers be appointed who could freely visit the camp and maintain contact between the prisoners and their relatives. He offered to choose five names from a list of ten to be provided by the Civil Rights Movement. We put that process in hand before we left and we shall make enquiries in due course as to how it is working.

The actual physical conditions in which the prisoners are detained are acceptable - by standards in Sri Lanka. Indeed, they were almost the same as those inhabited by their guards. That is to say some fifty men and boys slept together on a concrete floor under a corrugated iron roof and open walls. They looked and seemed fit, clean and healthy, but they had no privacy and few personal possessions and nowhere to keep them if they had any. Nor did they have any educational, recreational, or occupational facilities.

The same kind of conditions existed at Welikada prison - the site of the massacre of 53 Tamil prisoners in July 1983. The detainees here - 153 were incarcerated at the time of our visit, with a total of 219 in prison, including 10 women and girls - appeared

more relaxed and the evidence that we had was that they were correctly and properly treated by the prison staff.

Different conditions exist in police stations. We asked for and still await figures on the number of terrorist suspects detained, where they are detained and for how long they have been detained in police cells. We saw four. They were housed, two to a cell, immediately adjoining the lobby in a police station on a main and busy road. They shared the stone slab that served as a seat and bed, had no privacy, no books or newspaper. They said they had not left their cells at any time. Work or exercise would be a luxury. They did, however, receive visits and one wife of a prisoner visited while we were there.

In this context we should perhaps point out that so far only a handful of people have actually been brought to court on charges connected with terrorism. The trial of Father Singarayer, arrested and detained since late 1982, was taking place in Colombo during our visit. Yet hundreds of others have been arrested and detained but not charged or tried.

We should also say that it was alleged to us that relatives could only obtain for burial the body of someone killed by the police or army in the North if they first signed a form to say that their relative was a terrorist. This served, it was put to us, as an ex post facto legitimisation of the action of the army in killing the person. The Ministers we spoke to denied any knowledge of such a practice and insisted that it was not part of Government policy. That does not mean to say that it does not happen. In any event, we cannot vouch an opinion either way. We mention it for completeness rather than to pass a judgement.

Other Human Rights Issues

A great deal of evidence was put to us about the denial of human rights in other areas than those associated directly with suspected terrorism. We do not accept, for example, that there is any justification for denying civic and political rights to the million or so Tamils of Indian descent who work on the tea plantations. Their housing conditions are in themselves a cause for concern.

Again, we were presented with evidence of discrimination against Tamils in the fields of education, employment, the ownership of land and other areas - each one of which warrants detailed examination in its own right. We did not have either the time or the resources to give them the attention that we wished and which would be necessary for any credible conclusions to be drawn.

We do feel, however, that the Tamil minority is under threat. Certainly the Tamils, of all classes and from all parts of the country, believe that to be the case. While we would not wish, at this stage, to lend our support to the view that there is a deliberate and coordinated plan to reduce the rights and status of the Tamils, there is little doubt that the sum total of separate

measures taken in respect, for example, of university entrance and colonisation in the north and east, amongst others, in fact, achieves such an objective. We see no possible justification for such measures.

Press Censorship

It may be noted that a substantial part of the mass media, including newspapers, are state-controlled in Sri Lanka. There may be instances where in order to ensure the success of anti-terrorist actions the Government asks the press to exercise self-restraint, and we understand that this has happened in the past. But the State has now imposed a complete censorship on any news connected with terrorist activity and security operations. We fear that this step can be counter-productive, as, whilst blanks appear in newspaper reports, rumour spreads quickly in Sri Lanka and because it becomes exaggerated may have more serious repercussions than the truth would have done. Censorship has also led to stories which appear in the Government newspaper being banned from independent journals whilst they are broadcast in full on the BBC Overseas Service.

Parliamentary Democracy

Sri Lanka can claim with some justification to have maintained the system of parliamentary democracy bequeathed to it by the British to a far greater degree than many other ex-colonial territories. But one of its principles is the right of every citizen to stand for Parliament and to vote. The manner in which Mrs. Bandaranaike, leader of the principal Opposition Party, the Sri Lanka Freedom Party, was stripped of her civic rights by the present Government did it little credit and we would hope that the restrictions placed upon her will be reconsidered so that she can play her part in solving the country's problems. We would add, however, that Mrs. Bandaranaike told us that, although she cannot be involved in by-elections, she travels freely throughout the country, addresses large political rallies and has her speeches reported in the press.

We understand why the Government required all MP's to take an oath of loyalty to a unitary state and why the TULF MP's found themselves unable to comply with this requirement. But the effect has been to deprive the disaffected minority of a parliamentary voice and to strengthen the case of those who believe that they can only achieve their aims by violent means. It was an unnecessary and damaging decision, the consequences of which are now only too obvious.

Perhaps we should also say that we were disappointed at the absence of political opposition to the Government in Parliament. We asked Mrs. Bandaranaike why her party did not question the Government and hold it to account for what the army was doing in the North and for the way in which people were arrested and detained under both the Emergency Regulations and the PTA. She said that they had asked such questions once and had then been accused of being traitors. She gave

the impression that, as a result, such questions would not be asked again.

As a consequence of this apparent cowardice and dereliction of duty on the part of the main opposition party still in Parliament the onus for asking the awkward, but most important questions, seems to fall on the single Communist party member. Without his intervention there would be little or no attempt to question the Government on these issues. This is to be regretted. It is small wonder that the Tamils see the Sinhalese political establishment - though divided on some issues - as being united in opposition to Tamil claims.

C O N C L U S I O N

We were asked to look at human rights in Sri Lanka and it will be clear from this report that we are in no doubt that in the present situation human rights are being violated or infringed to a substantial extent. Some of these violations are unavoidable where terrorists believe they are fighting for a just cause and the State considers it has a duty to defeat the terrorists. But a number are the result of lack of training, lack of discipline, lack of imagination, bureaucratic delays, sometimes sheer incompetence and lack of will on the part of the government. We have sought to pinpoint these and hope steps will be taken rapidly to remedy the wrongs we have indicated.

Most of the issues which we have discussed stem from the poor state of inter-communal relations and the failure to reach a political solution. Although it falls outside our brief, we feel bound to record our concern at the failure of the All Party Conference held throughout most of last year. The proposals put forward in December 1984 appear to provide, if not a feasible solution, a very practical basis for negotiation. We deplore the precipitate manner in which they were rejected by the Tamil United Liberation Front and equally precipitately withdrawn by the Government. We were distressed to hear the President at the opening of Parliament appear to endorse the view expressed to us by his Ministers that the only solution to the terrorist problem is a military one. History, and current experience elsewhere in the world, point to the need for the disputing parties to talk to each other. It may well be that the stage has been reached where they are unable to do so directly and a third party might assist. India can clearly play a crucial role and the United Kingdom has still a good reputation in and a special relationship with Sri Lanka. In any event, there should be a cessation of the fighting and the start of negotiations unfettered by any preconditions.

But none of this can happen unless the present Sri Lankan Government is prepared to lead rather than always follow its supporters. It was clear to us that the President was a sincere and well-intentioned man, as are most of his ministers, but that he and they are prisoners of the extremists in their own party. The President went to great length to display to us the political constraints under which he is operating in making any concession to the Tamil minority. Those exerting pressure include not only the Buddhist monks and their supporters, and the army, but also Mrs. Bandaranaike and the Opposition. The President clearly feels that any concession that he might make to the Tamils or any initiative he might take would be categorised as a sign of weakness and exploited by Mrs. Bandaranaike. She, therefore, has a great responsibility for the future relations between all the ethnic groups in Sri Lanka. We are not confident that if she recognises it she is prepared to put

such a responsibility before that of making political capital out of the opportunities that arise. The result is this Government's recourse to a military solution with all its implications for human life let alone human rights and the dangers it poses for the stability of the country.

The consequence we saw was that of an increasing alienation of all Tamils from the Sri Lanka state. We talked to many who had been political moderates all their lives, who had great and distinguished records of service to their country, who had rank and position and wealth and a vested interest in the status quo, who had voted for and supported the Government but who now sympathised with the terrorists. Unfortunately, almost every action of the Government seems designed to strengthen that alienation.

Our brief visit left us with an impression of a beautiful island and a delightful people for whom we developed a deep affection. We were grieved to learn of the troubles they have experienced, of the current agony, distress, and fear of so many individual Sri Lankans of all ethnic groups, and to sense the real danger of the country being torn apart. Civil war, and with it more death and destruction, is a real possibility. No effort should be spared by their leaders and by their friends everywhere to prevent such a catastrophe.

